

Serial No.: 09/189,112

Attorney Docket No.: 98P7917US

REMARKS

Upon entry of the instant Amendment, claims 1-34 are pending.

Applicants gratefully acknowledge that claims 9, 10, 18, and 21-32 were indicated to be allowable. Applicants gratefully acknowledge that claim 8 was indicated to be allowable if amended into independent form and to include all the limitation of the base claim and any intervening claims. Claims 8 has been so amended and thus should be allowable. Claims 1, 6, 13-15, and 33 have been amended, and claim 34 has been added, to more particularly point out Applicants' invention. Claim 11 has been amended to depend from claim 10.

Claims 1, 2, 4, 5, 14, 17, 19-20, and 33 have been rejected under 35 U.S.C. 102(e) as being anticipated by Doshi et al., U.S. Patent No. 6,529,499 ("Doshi").

In order for there to be anticipation, each and every element of the claimed invention must be present in a single, prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Doshi.

As described in the Specification, and in response to previous Official Actions, one aspect of the invention relates to a combined ToL-PBX system which can support *both ToL telephony and TFA or "Glass Phone" telephony on a given local area network*. ToL telephony that uses local area networks may be based on the H.323 Recommendation and employs a server or gatekeeper that may gradually replace legacy PBXs. Telephony feature access (TFA) telephony employs a TFA or "glass phone" device also coupled to the local area network, but which receives its call processing through the TFA controller on the PBX and may include usage of different protocols or standards.

That is, in such a system, both ToL telephones and glass phones – *devices of different types* – are coupled to a *same* local area network *but receive call processing from independent entities*, i.e., the ToL gatekeeper and the PBX. A problem in such a system is that the ToL gatekeeper is not aware of TFA calls processed by the PBX and their bandwidth usage. Embodiments of the present invention, however, allow the TFA bandwidth usage by one of the call processing entities to be accounted-for by the other.

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Thus, claim 1 has been amended to recite

one or more first telephony devices of a first type operably coupled to said TFA gateway, said TFA gateway configured to provide for call processing for said one or more first telephony devices of said first type of calls on said LAN;

one or more second telephony devices of a second type operably coupled to said server, said server configured to provide for call processing for said one or more second telephony devices of said second type of calls on said LAN; and

means associated with said server for accounting for bandwidth requirements of said one or more first telephony devices of said first type operably coupled to said TFA gateway on said LAN and for calls for which said server has not performed said call processing when processing calls for said one or more second telephony devices of said second type;

claim 14 has been amended to recite

means associated with said ToL gatekeeper for monitoring bandwidth usage of telephone calls between TFA telephones for which said ToL gatekeeper has not provided call control services and processed via said TFA gateway;

wherein said ToL gatekeeper is adapted to account for PBX user bandwidth usage on said LAN when processing a ToL call between ToL telephones;

and claim 33 has been amended to recite

a first local area network telephony system including a gateway for first local area network telephony call processing operable on said local area network;

a second local area network telephony system including a server for second local area network telephony call processing operable on said local area network; and

means associated with said server for accounting for first and second local area telephony system bandwidth usage on said local area network before allowing a call on said local area network using said first local area network telephony system.

In contrast, Doshi relates to a "virtual provisioning server" for use in an IP network. The virtual provisioning server relates to providing signaling gateways with IP network bandwidth information. However, the signaling gateways are not TFA gateways, as generally recited in the claims at issue. Nor does Doshi provide for TFA devices and ToL devices on the same network.

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More particularly, the signaling gateways of Doshi relate to interfacing SS7 signaling to IP network signaling. That is, the signaling gateways of Doshi relate to interfacing a non-IP telephony to IP telephony on an IP network. The present invention, however, relates, inter alia, to *accommodating IP telephony of differing types on a same LAN*. That is, implementations of the teachings of the present invention allow for TFA telephones and ToL telephones to be accommodated on a same LAN. Doshi does not even appear to recognize that running differing telephones on a same LAN can be problematic. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 3, 6-7, 11-13, and 15-16 have been rejected under 35 U.S.C. 103 as being unpatentable over Doshi in view of Vaziri et al., U.S. Patent No. 6,377,570 ("Vaziri"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Doshi or Vaziri, either singly or in combination. Claim 11 has been amended to depend from claim 10; thus, its rejection, and the rejection of claim 12 is obviated.

With respect to claims 3, 13, and 15-16, Applicants note that these are dependent claims, depending from claims that have been discussed above. Claim 6 is independent and has been amended to recite

accessing a database at said ToL server to determine if bandwidth is available on said LAN for a call involving TFA devices and processed by said PBX;

sending an abort message to abort said call if bandwidth is not available; and

said ToL server accounting for PBX user bandwidth usage for TFA devices when processing a ToL call for ToL devices.

Thus, claims 3, 6-7, 13, and 15-16, like those discussed above, relate to devices of differing types (ToL and TFA devices) on a same LAN. As discussed above, Doshi does not relate to such features.

Vaziri similarly does not relate to such features and, particularly, to a TFA gateway and merely relates to an Internet switch box (ISB) that can allow a telephone to communicate over either the public switched telephone network (PSTN) or the Internet. In operation, a user of such a device makes a call via the PSTN and then can press a button to switch to the Internet.

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Vaziri merely provides an H.323 system operating on the LAN 1302. That is, telephony processing on the LAN is accomplished via standard H.323 protocol. Nowhere does Vaziri hint that a TFA gateway or "glass phone" device can be used for telephony on the LAN *in addition to H.323*, as generally recited in the claims at issue. While the terminals 1304 may be equipped with the "ISB," this relates merely to communication once past the gateway 1306 (using the PSTN/ISDN or the Internet) and not to communication over the LAN itself. That is, whatever happens past the gateway, communication over the LAN is done via standard H.323 techniques. Thus, Vaziri does not even recognize the problem solved by embodiments of the present invention. That is, even if, for the sake of argument, one were to couple a PBX and TFA gateway to the LAN 1302 of Vaziri, the gatekeeper 1314 would not be able to account for TFA bandwidth usage unless Vaziri were equipped in accordance with the teachings of the present invention. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claim 34 is generally similar to allowed claim 21, but in means plus function form. Thus, it too is believed allowable..

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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